

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BENCHMARK CAPITAL HOLDINGS Co., LLC,

Plaintiff,

vs.

THE BENCHMARK COMPANY, LLC,

Defendant.

Case No.: 11-CV-04883 YGR

ORDER RESOLVING DISCOVERY DISPUTES

The parties have submitted a Joint Letter seeking the Court's assistance in resolving three discovery disputes. The first concerns who should be able to view "Highly Confidential-Attorneys' Eyes Only" material. The second and third disputes concern outstanding discovery requests.

Having carefully considered the papers submitted and the pleadings in this action, the Court Orders as follows:


1) As to the first discovery dispute, concerning who should have access to "Highly Confidential-Attorneys' Eyes Only" documents, by separate Order, the Court will enter the Protective Order referenced in Exhibit A to the parties' Joint Letter, **striking section 7.3(b)**. Upon stipulation, the Court will consider a request to expand the category to include in-house counsel or other in-house personnel.

2) As to the second and third discovery disputes regarding Interrogatory 8 and outstanding requests for production of documents, Requests for Production Nos. 20-22 and 31-34, Defendant is ordered to provide supplemental responses and produce responsive documents no later than **Noon on Wednesday, May 2, 2012.**

1 3) In addition, with respect to Request for Production Nos. 20-22 and 33, and
2 Interrogatory 8, the term “advertising” (or a derivation thereof) shall not be narrowly construed by
3 Defendant. Rather, Defendant shall be guided by its standard definitions, namely, “to make
4 something known to” and “to make publically and generally known.” Websters, Ninth New
5 Collegiate Dictionary. To the extent, no additional documents exist, Defendant shall identify in its
6 Response to Interrogatory 8 the manner in which it advertises and the individuals involved in such
7 advertising.

8 **IT IS SO ORDERED.**

9
10 Dated: April 27, 2012


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

United States District Court

Northern District of California